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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,657	03/24/2004	Terrence K. Jones	A002 P00908-US1	3906
826	7590	07/15/2005		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/807,657

Applicant(s)

JONES ET AL.

Examiner

Marissa L. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 44-49 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42 and 43 is/are allowed.
- 6) ☒ Claim(s) 10-15, 26-31 and 41 is/are rejected.
- 7) ☒ Claim(s) 1-9, 16-25 and 32-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/04, 2/05 and 5/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 44-49 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/11/05. The election is now hereby made final.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the "carrier unit", the examiner is not sure how the carrier unit rotates. In the drawings the flip guides 14/16 appear to be the only elements that rotate and slide. As shown in the figure, carrier unit 6 appears to be maintained in a fixed operational state and holds the flip guides that appear to slide/rotate within the carrier unit.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Regarding claims 14 and 30, Nardone et al. teaches a method and apparatus comprising a motor driven means (316) coupled to a carrier unit for moving the unit in the first and opposed directions (Figure 19).

Regarding claims 15 and 31, Nardone et al. teaches a method and apparatus comprising a carrier unit further comprising one or more flip guides (288,290) for holding the media.

Regarding claims 39 and 41, Nardone et al. teaches a frame (30) comprising at least one guide rail (300) extending relative to a defined media path of a printer (Figure 19), a carrier unit (298) slidably coupled to a guide rail (300) for transporting the media in a first direction and in an opposite direction along a guide rail (Column 10, Lines 5-10), a cam arm (330) connected to a carrier unit (298), at least one flip stop member (328) adjacent a guide rail and wherein when a carrier unit slides along a guide rail, a cam arm contacts a flip stop member causing a cam arm (Figure 20) and the carrier unit to rotate thereby reorienting the media located in a carrier unit (Figure 17 shows the lower position of block 298 and Figure 18 shows the elevated position of block 298) and the azimuth would automatically adjust based on the rotation of the carrier unit (298).

***Allowable Subject Matter***

4. Claims 16-25, 32-38 and 40 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
5. Claims 42 and 43 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 16 and 32, the prior art does not teach or render obvious a method or apparatus comprising the carrier unit with a shaft connected to a flip guide for rotating the slip guide and an adjustable friction means connected to a shaft to dampen oscillations in the carrier unit.

Regarding claims 17 and 33, the prior art does not teach or render obvious a method or apparatus comprising a flip stop member that is locatable in both an extended and a retracted position relative to a guide rail, wherein in the extended position a flip stop member contacts the carrier unit as the carrier unit slides along a guide rail to thereby reorient the carrier unit.

Regarding claims 19 and 35, the prior art does not teach or render obvious a method or apparatus comprising a pair flip stop members spaced apart from each other, wherein the flip stop members are locatable in both extended and retracted positions, wherein one of the flip stop members is in an extended position for contacting the carrier unit and the other of the flip stop members is in a retracted position to avoid contact with the carrier unit as the carrier unit slides along a guide rail.

Regarding claim 23 and 38, the prior art does not teach or render obvious a method or apparatus comprising a carrier unit with two flip guides for holding the media, wherein one of the flip guides is an inner flip guide coupled to the cam arm, and the other flip guide is an outer flip guide coupled to a shaft.

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defined media path of a printer and substantially parallel with a guide rail, and the carrier unit further comprising an azimuth adjuster locatable in a guide channel to adjust the azimuth of the carrier unit as it slides along a guide rail.

Regarding claims 25 and 40, the prior art does not teach or render obvious a method or apparatus comprising two flip guides for holding the media, wherein each flip guide comprises a first elongated side frame member and a second elongated side frame member that are spaced apart to define a media-retaining channel there between, the first side frame member having an inner edge with a substantially concave central portion, and the second side frame member having an inner edge with a substantially convex central portion for gripping the media with the media-retaining channel.

Regarding claim 42, the prior art does not teach or render obvious a method or apparatus comprising a pair flip stop members adjacent a guide rail spaced apart from each other, wherein the flip stop members are locatable in both extended and retracted positions, wherein one of the flip stop members is in an extended position for contacting the carrier unit and the other flip stop member is in a retracted position to avoid contact with the carrier unit as the carrier unit slides along a guide rail, and wherein when the carrier unit slides along a guide rail, the carrier unit contacts the flip stop member located in the extended position causing the carrier unit to rotate thereby reorienting the media located in the carrier unit.

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**Conclusion**

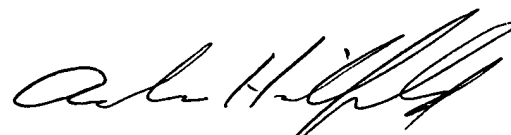
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson whose telephone number is (571) 272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson  
Examiner  
Art Unit 2854

  
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